

# **Exhibit B**

**Declaration of Dr. Ali Al-Timimi (April 30, 2020)**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

ALI AL-TIMIMI,

*Defendant.*

Case No. 1:04-cr-385 (LMB)

DECLARATION OF DR. ALI AL-TIMIMI

Under 28 U.S.C. § 1746, I, Dr. Ali Al-Timimi, state the following:

1. I am currently incarcerated in the H-Unit of the USP Florence ADMAX prison in Florence, Colorado.

2. Prior to my incarceration, I was an assistant professor at the Center for Biomedical Genomics at the George Mason University in Fairfax, Virginia. Because of my background and training in biology, several other inmates here in the H-Unit have voiced their concerns to me about the ongoing COVID-19 pandemic and requested that I write a letter to prison officials.

3. On March 8, I wrote a letter to the H-Unit counselor, Mr. Holbrooks, that outlined my thoughts and concerns. I am attaching a copy of that letter to this declaration and attest that it is accurate to the best of my knowledge. I submitted this letter prior to discussing or

contemplating the present motion for release with my attorneys. Indeed, the letter was submitted prior to ADP or the BOP taking any steps to limit COVID-19 transmission.

4. As of today, the H-Unit is still taking no apparent steps to screen inmates for COVID-19. For example, it is not monitoring our temperatures for fever. Nor has any inmate in H-Unit, to the best of my knowledge, undergone any testing. Additionally, certain staff members who work in H-Unit have told us (collectively) that their absence was due to self-quarantine for 14 days. Whether this was said in jest, or in truth — I cannot tell.

5. The H-Unit is also continuing to require that inmates rotate cells regularly, despite our numerous requests that such rotations be suspended for the duration of the pandemic. The prison also declined our request that the common shower facilities (shared with the adjacent J-Unit) be cleaned daily. <sup>(1)</sup> AMA

6. I have had asthma since the age of 5, which is treated with two medications. The first is an oral corticosteroid inhaler (mometasone furoate), which I use daily. The second is an albuterol sulfate "rescue" inhaler, which I use as needed. Last year, after catching a cold, it worsened such that I needed to be placed on the oral steroid prednisone twice. I was also given a breathing treatment that consisted of oxygen combined with another medication for about 25 minutes.

7. I have also been diagnosed with hypertension, which is currently treated with the following medications:

- a. Losartan potassium, 50 mg. (increased last year from 25 mg) AMA
- b. Aspirin, 81 mg.
- c. Hydrochlorothiazide, 50 mg (recently increased from 25 mg).
- d. Amlodipine, 5 mg (recently added in March).

8. In the event of a hearing, I request waiver of any in-person appearance in order to avoid the risk of COVID-19 infection during transfer. Also as an inmate under SAMs, my movement within ADX, or transfer from, can be a complicated and arduous procedure. AMA  
I so declare, under penalty of perjury, that the foregoing is true and correct.

Executed on: April 30, 2020

Ali M. Al-Timimi  
Dr. Ali Al-Timimi

(1) Last weekend, April 26, 2020, I was required to move cells. While SAM inmates in H-Unit have been under 24-hour lockdown for weeks and we have had no recreation, on the argument that this is to protect us from COVID-19 infection, we cannot have our common showers cleaned daily nor have ~~temporary suspension~~ of cell rotations to protect us from viral transmission. AMA

Dr. Ali Al-Timimi

# 48054-083

H/205

Mr. Holbrooks

H-Unit Counselor

March 8<sup>th</sup>, 2020

Sir,

As you are aware, prior to my incarceration, I was an assistant professor at the Center for Biomedical Genomics, the George Mason University, Fairfax, Virginia. During my time at George Mason, I published my research in peer reviewed scientific journals, as well as co-authored a chapter in a text book. Moreover, I have presented my findings at both international and national conferences.

Recently, a number of inmates here in H-Unit have voiced to me their concerns about the on-going corona virus (COVID-19) pandemic. These inmates requested that I write the warden in the belief that my words would be taken with greater seriousness. However, given that I have known you for a number of years, and given that you are also an advocate for correctional



staff as "Union rep", in addition to your role as inmate counselor — I felt it best to write you directly. With that in mind, here are my thoughts on the corona virus epidemic.

(1.) Surveillance of inmates for warning signs:

(a.) Correctional officers should be instructed by ADX medical staff to recognize warning signs of possible coronavirus infection among inmates. As you know, inmates<sup>are</sup> often apathetic, if not outright hostile, toward prison staff. Unlike with the general population, inmates are not typically interested in self-reporting any illnesses they suffer. For these reasons, it is important that ADX ~~cor~~ staff are proactive in identifying possible infection among inmates. If an inmate appears ill, he should be locked down until medical staff can make an assessment as to if the inmate is suffering from seasonal allergies, for instance, or is possibly infected.

(b.) ADX medical staff should <sup>initiate</sup> ~~instatute~~ similar protocols <sup>to</sup> those at port of entries. All inmates should be asked if they are currently experiencing fever, or other flu-like symptoms. To guarantee truthfulness in reporting, spot checks of an inmate's temperature can be made.

ADX regularly performs spot urine analyses of its inmate

population to determine intoxication. It should not be over taxing for medical staff to perform walk throughs as part of an infection <sup>surveillance</sup> protocol.

(2.) Limiting the number of inmate to inmate contacts, and staff to inmate contacts.

While the restrictive nature of ADX can be advantageous to curtailing viral transmission, there remaining a number of possible ways for infection. As a result:

(a.) ADX should consider temporary suspension of cell rotations until such time the corona virus crisis has passed.

(b.) ADX should consider modifying its schedule for commissary delivery (for example, moving to a two week schedule rather than weekly), indoor recreation, and electronic library use.

(c.) For new arrivals to ADX, there should be some protocol in place to determine if they are possible carriers of corona virus. As you are well aware, when a SAM inmate moves from H-unit to J-unit, he is locked down for a week to make sure he can integrate with his phase III group.

Something similar can be instituted for new ADX arrivals to make sure they are not possible carriers



- (d.) I have begun <sup>to</sup> notice correctional officers wearing gloves while serving trays. However, since an officer may serve dozens of inmates, the use of the same pair of gloves will do little ~~to nothing~~ <sup>least</sup> to curtail viral spread. At a minimum (at ~~least~~ with H/J units), gloves should be changed at every tier.
- (e.) Meal carts should be thoroughly cleaned (exterior and interior) after every meal. My gut feeling is that these meal carts could be the main source for transmission, if not thoroughly cleaned after each meal service.
- (f.) As you know, for H and J units, SAM inmates use common showers. If any inmate becomes infected in H or J unit, the current cleaning schedule will prove ineffective.
- (g.) Telephones need to be wiped down with disinfectant <sup>each</sup> following use.

Mr. Holbrooke, I apologize for any intrusion. As I have said, a number of inmates have requested I write to ADX about proactive steps to curtail transmission. As I have regularly dealt with you for a number of years, I felt it best to approach you rather than others. My hope is that your dual role of advocate for inmates (as counselor) and staff (as "union rep") will help these concerns to be heard. Proactive action on part of ADX now can help avoid a later crisis. I thank you for your time.

Respectfully,  
Ali Al-Timimi  
H/205